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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,256	09/29/2003	Masatake Tsuboi	114214-004	4627

7590

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EXAMINER

GRAY, LINDA L

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/674,256

Applicant(s)

TSUBOI, MASATAKE

Examiner

Linda L. Gray

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2003 and 10 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 6-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**Detailed Action**

**Election/Restriction**

1. **Claims 6-9** are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 2-10-05.

**Claim Rejections - 35 USC 112**

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the application regards as his invention.

3. **Claims 4-5 are rejected under 5 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

**Claims 4-5, "the surface modification" lacks antecedent basis.**

**Claim Rejections - 35 USC 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1 and 4-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Ullmann et al. (US 3,822,374) and [Jerby et al. (US 6,114,676) or Spranger et al. (US 3,501,618)].**

**Art Unit: 1734**

**Claim 1**, Applicant's admitted prior art teaches a method for the manufacture of a sheet-laminated aluminum profile including continuously laminating a sheet material on a plurality of coated aluminum profiles, and cutting the sheet material at a position between the profiles to form a sheet-laminated aluminum profile. Cutting is performed using a rotary cutting saw blade, a guillotine cutter, or a disk type rotary cutter (pg 1, L 19, to pg 2, L 24).

**Claim 1**, *AAPA does not teach cutting by electric discharge.*

It is conventional to cut metals using electrical discharge cutting, see Ullmann et al. (c 3, L 44-47; c 11, L 13-43 and L 44-54 especially). Also, Jerby et al. and Spranger et al. recognize the general concept of replacing mechanical with electric discharge cutting various materials to reduce dust caused by mechanical cutting (Jerby et al. at c 1, L 1-24; Spranger et al. at c 1, L 1-44). For these reasons it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided in AAPA cutting by electric discharge as opposed to the cutting method disclosed in AAPA.

**Claims 4-5**, *AAPA does not teach electric discharge treatment of the surface of the profiles before lamination where this includes the edges and center of the sheet material which contact the profiles.*

However, it is conventional to provide surface treatment to materials before bonding to increase bonding strength using electrical discharge treatment, and for this reason it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in AAPA.

**6. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art in view of Ullmann et al. (US 3,822,374) and [Jerby et al. (US 6,114,676) or Spranger et al. (US 3,501,618)] as applied to claims 1 and 4-5 above, and further in view of Mosely et al. (US 4,002,519).**

**Claims 2-3**, *AAPA does not teach cutting while applying tension stress to the sheet material to be cut where such is provided by the conveyance speeds of the profiles before and after cutting is set at such a ratio that the conveyance speed of the profiles in the downstream side is higher than the conveyance speed of the profiles in the upstream side.*

However, it is conventional in the cutting art to cut a web while applying tension to the web where such is provided by the conveyance speed downstream being higher than that upstream to facilitate a better cut, see column 3, L 5-21, and for this reason it would

**Art Unit: 1734**

have been obvious to a person of ordinary skill in the art at the time the invention was made to have provided for such in AAPA.

**Conclusion**

**7.** Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Gray whose telephone number is (571) 272-1228. The examiner can normally be reached Monday-Friday from 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla, can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

llg

May 2, 2004

  
LINDA GRAY  
PRIMARY EXAMINER